

Appl. No. : 10/829,631  
Filed : April 22, 2004

### REMARKS

In the Office Action mailed on June 29, 2005, the Examiner raised a restriction requirement, objected to the specification, and rejected the claims under 35 U.S.C. § 112 and 102(b). Before entry of this response, Claims 1-42 were pending in this application. In this response, Claims 1-30 have been withdrawn, Claims 31 and 32 have been amended, Claims 33 and 34 have been cancelled, and new Claims 43-49 have been added.<sup>1</sup>

Regarding the restriction requirement, Applicants confirm the election of Claims 31-42 in the Group III as set forth by the Examiner without prejudice.

Regarding the objections to the specification, Applicants have updated the priority claim to include additional information about the status of a priority application, and Applicants have made additional amendments to the specification. None of the amendments to the specification introduce any new matter. In Paragraph 49, Applicants have followed the Examiner's suggestion to explicitly recite the width of the flange seat, and Applicants have also pointed out and made explicit the reason why the specification and drawings as originally filed disclosed that the outer radial location of the wheel protector can be slightly larger than the outer flange. Neither of these amendments add any new matter, and Applicants do not agree that the amendments are necessary to provide support or clarification for any claims.

Regarding the rejections to the claims, the Examiner asserted that Claims 31-42 were anticipated by U.S. Patent Nos. 4,856,572 to Casanova and 4,319,618 to Suzuki. Applicants request that the Examiner withdraw these rejections. The Casanova patent discloses an extremely large tire intended for off-road use with loading, earth-moving, and transportation equipment. See col. 1, lines 7-10; col. 4, lines 7-8 (tire wall is 585 mm - nearly two feet high). The Casanova patent does not disclose any extended flange on the wheel, nor the positioning of

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<sup>1</sup> The amendments to the claims do not introduce any new matter. In Claim 31, the language relating to "words" positioned on the outboard tire wall is supported by at least Paragraph 50 of the specification; the language relating to the length of the outboard tire wall is supported by at least Paragraph 54; the language relating to the width of the ledge is supported by at least Paragraph 48; and the language relating to the width of the flange seat is supported for at least the reasons given by the Examiner in the Office Action at pg. 4. The new claims are supported by at least the following: Claim 43 - Paragraph 54; Claim 44 - Paragraph 47; Claim 45 - Paragraph 48; Claims 46 and 47 - Paragraph 48; Claims 48 and 49 - Figure 11; and Claims 50 and 51 - Paragraph 49.

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any words on the radially outward side of the tire wall. In Casanova, the radially inward portion of the tire would not be obscured during use, and the enormous Casanova tire provides ample area for all necessary words, such as tire specifications and warnings, to be positioned in the customary location on the radially inward side near the outboard bead. Similarly, Suzuki also discloses a very large off-road tire, see, e.g., col. 4, line 50, with a proportionately small radially outward area. Suzuki does not disclose or suggest positioning any words in this region of the tire wall. Thus, neither Casanova nor Suzuki disclose or suggest the claimed inventions.

Moreover, regardless of whether positioning words on the radially outward region has been performed in the past on conventional tires, one of ordinary skill in the art would be discouraged from positioning words in the radially outward region on a tire with a higher wheel protector or an extended flange seat due to increased space constraints in this region. The cited prior art does not relate to creating the appearance of a low-profile tire mounted on a larger wheel with an extended flange and thus there is no disclosure, motivation, or suggestion to move the wording away from the conventional locations.

This application is believed to be in condition for allowance. If any issues remain outstanding, the Examiner is encouraged to contact the undersigned counsel to expedite allowance of this application. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: Paul N. Conover  
Paul N. Conover  
Registration No. 44,087  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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### **AMENDMENTS TO THE DRAWINGS**

Please replace Figure 10 with the enclosed amended Figure 10.

In the amended drawing, the "words" have been illustrated in the region between the ledge and the tread. The specification as filed provides support for this amendment in at least Paragraph 50, lines 3-6. Thus, the amendment to the drawing introduces no new matter.

## **APPENDIX A**